11: Skinner E-5 (1955-1957) 1964
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between the lineages concerned. If either the repudiated woman or a member of her husband's lineage wished to initiate a reconciliation, she or he had to summon a yagenga. He alone was permitted to reconcile the couple after the pots had been placed in the courtyard. When a woman felt that she was being maltreated by her husband, she usually fled to her own patrilineage and waited for her husband's patrilineage—usually his brothers—to visit her male relatives and discuss the case. If the woman was judged guilty, she was reprimanded and sometimes flogged by her own relatives for causing trouble between the two lineages, and then sent home to her husband. However, if the man was found guilty, his wife was returned to him, but he was warned that he would forfeit all rights to her if he maltreated her again. A man who lost his wife through repeated maltreatment could not take the matter to court, because chiefs usually refused to deal with purely domestic issues. His only recourse was to induce one of his lineage brothers to recall a daughter who had married into his wife's lineage. This act was usually sufficient to bring about the reconciliation of the estranged couple before innocent persons were hurt.

The Mossi made every effort to solve minor problems without recourse to the chiefs. The local Boodkasemdamba and lineage elders adjudicated quarrels and simple offenses involving members of minimal segments in the various village saghse. They even tried to resolve difficulties between lineage members of larger segments who lived in different villages. The elders often imposed punishments such as reprimands, floggings, and even banishment. The convicted person did not usually appeal to the chief, because he knew that the chief would advise him to settle his problem within the family.

Unrelated villagers also tried to settle difficulties among themselves without appealing to the chief. For example, a man who was caught stealing could be beaten or even killed by his intended victims, and the chief did not punish them for their action. In many cases, villagers simply took the thief back to his relatives, knowing they would punish him. Occasionally, a family disgraced by a thieving member forced him to kill himself. When this happened the chief held an inquest but took no other action.

The Mossi gave a fairly simple explanation for returning a thief to his relatives for punishment. They said that every family had "weak" members, and that by not harming the captured thief they were only protecting themselves against retaliation if one of their own relatives should commit a similar crime. But a more important reason seems to have been their fear of starting a feud that might result in the premeditated murder of a man and the subsequent execution of his murderer.

The one crime that invoked terrible unofficial sanctions was rape. If the

offender was caught in the act, he was immediately killed. If he was merely suspected of guilt both by his own lineage and by the lineage of the wronged woman, he was banished from his lineage and from the village. So swift and sure was this punishment that a rapist always fled if he believed he would be discovered. The Mossi considered rape such a heinous crime that if the act resulted in pregnancy, an abortion was attempted; if this failed, the child was killed at birth. Furthermore, the rapist could never hope to return to his community, because even if the yagenga appealed on his behalf and his lineage forgave him, the community ban still stood.[2]

The village chief was usually aware of the torts and crimes that occurred in his village, and of how the families concerned had handled them. He seldom interfered in the internal affairs of a lineage, or in problems between lineages, unless he felt that a case was beyond their legal competence. In the case of a rapist's expulsion, community feeling usually ran so high that if the chief intervened, it was only to support the will of the community. However, when people could not settle their differences peaceably or when a major crime was committed within a village, the chief usually summoned the offender to his court for trial. His right to do so was sanctioned by his possession of the nam, but the very concept of the nam often made his task difficult. If he was a commoner, the nobles often emphasized their relationship to the holder of the royal nam, the district chief, and objected to being tried by a commoner. They usually appeared at the village court if summoned, but often attempted afterward to find some excuse for taking their case to the district chief. They felt that their local reputation would prevent them from receiving a fair hearing from anyone but their lineage brother. Furthermore, if they were judged and convicted in the lower court and the verdict was confirmed in the district court, they felt that the district chief, in concurring with the village chief, had broken the solidarity of their lineage. But if they took their case directly to the district chief, they knew they were being judged by an equal or a superior, and that an unfavorable judgment would not damage their status.

The competence of the village chief to deal with court cases was limited.[3] He did pass on all the legal infractions that occurred in his village, but he tried to adjudicate only the minor cases. Thus, he tried cases involving theft, quarrels, trespassing, adultery, indebtedness, and abuse, and tried to settle them by reprimanding the guilty ones. He sent cases involving serious injury and homicide to the district court, along with cases he was unable to resolve.

The district court was a most efficient and effective judicial organ, and the nature of the Mossi judicial process was most evident on this level. The